

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANGELA NAILS,

Plaintiff,

Case No. 17-13959

v.

Honorable John Corbett O'Meara

VIRGINIA KAPLER,

Defendant.

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**ORDER GRANTING APPLICATION TO PROCEED IFP  
AND DISMISSING COMPLAINT**

This matter came before the court on plaintiff Angela Nails' *pro se*, 35-page complaint and application to proceed *in forma pauperis*. The court finds Plaintiff's application to proceed without prepayment of fees to be facially sufficient and will grant the motion. See 28 U.S.C. § 1915(a); Gibson v. R.G. Smith Co., 915 F.2d 260, 262 (6<sup>th</sup> Cir. 1990).

Once a court grants a plaintiff permission to proceed *in forma pauperis*, it must review the complaint pursuant to 28 U.S.C. § 1915(e). The court "shall dismiss" the case if it finds that the complaint is "(I) frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B).

The beginning of plaintiff Nails' complaint reads as follows:

In the month of November 2016 on or about the 14<sup>th</sup> day the Defendant violated HIPAA rights Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule and federal civil rights laws protect Americans' fundamental health rights. The Plaintiff was a patient receiving services at 14799 Dix Toledo Highway Southgate, Michigan 48195 giving information to a third party source without the patient permission in writing of medical release form to release patient information to the third party source the Third Circuit Court located a 2 Woodward Street Detroit, Michigan 48226.

Complaint at 1 (errors in original). The entire remainder of the complaint, comprising over 30 pages, is a verbatim rendition of an explanation of HIPAA taken from an unknown source without citation.

It is well-settled, however, that HIPAA provides no private right of action for individuals. "Rather, penalties for HIPAA violations are imposed by the Secretary of Health and Human Services." Wilson v. Memphis Light, Gas & Water, No. 12-2956, 2013 WL 4782379, at \*3 (W.D. Tenn. Sept. 5, 2013) (citations omitted). Accordingly, plaintiff Nails' complaint fails to state a claim on which relief may be granted and must be dismissed.

### **ORDER**

It is hereby **ORDERED** that plaintiff Angela Nail's application to proceed *in forma pauperis* is **GRANTED**.

It is further **ORDERED** that the complaint is **DISMISSED WITH PREJUDICE**.

s/John Corbett O'Meara  
United States District Judge

Date: May 8, 2018

I hereby certify that a copy of the foregoing document was served upon Plaintiff on this date, May 8, 2018, using first-class U.S. mail.

s/William Barkholz  
Case Manager